

WYATT
36451-081803



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***AUGUST 18, 2003
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call. (All Present.)

The Invocation was delivered by The Reverend Pamela P. Crump, Pastoral Assistant for Christian Education, High Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, August 21, 2003, at 7:00 p.m., and Saturday, August 23, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

REGULAR SESSION

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Proclamation declaring Friday, August 29, 2003, as Hokie Pride Day.
File #3-388

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of Council held on Monday, July 7, 2003, and recessed until Friday, July 18, 2003.

RECOMMENDED ACTION: Dispense with the reading of the minutes, and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #110-132

- C-3 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #132

- C-4 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #2-132

- C-5 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #2-132

- C-6 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #2-132

- C-7 Annual Report of the Board of Zoning Appeals for fiscal years 2002 and 2003.

RECOMMENDED ACTION: Receive and file.
File #51-109

- C-8 Annual Report of the Industrial Development Authority for the City of Roanoke for fiscal year 2003.

RECOMMENDED ACTION: Receive and file.
File #109-207

- C-9 Qualification of the following persons:

Gail Burruss as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2005;
File #15-110-242

Wilburn C. Dibling, Jr., as a member of the Roanoke Public Library Board, for a term ending June 30, 2006;
File #15-110-323

William D. Bestpitch as a member of the Roanoke Valley-Alleghany Regional Commission, for a term ending June 30, 2006; and
File #15-110-326

William D. Bestpitch as a City of Roanoke representative to Virginia's First Regional Industrial Facilities Authority, for a term ending September 24, 2006.
File #15-110-526

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Recommendation from the Commonwealth's Attorney for acceptance of Victim/Witness Grant funds from the Department of Criminal Justice Services, in the amount of \$102,757.00; and a communication from the City Manager concurring in the recommendation.

Adopted Budget Ordinance No. 36451-081803 and Resolution No. 36452-081803. (7-0)
File #60-133-502

- b. Recommendation from the Commonwealth's Attorney for acceptance of Multi-Jurisdictional Special Drug Prosecutor grant funds, in the amount of \$84,994.00; and a communication from the City Manager concurring in the recommendation.

Adopted Budget Ordinance No. 36453-081803 and Resolution No. 36454-081803. (7-0)
File #60-76-133

- c. Recommendation from the Commonwealth's Attorney for appropriation of Forfeited Criminal Assets funds, to continue criminal law enforcement efforts; and a communication from the City Manager concurring in the recommendation.

Adopted Budget Ordinance No. 36455-081803. (7-0)
File #5-60-76

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of Temporary Assistance to Needy Families Hard to Serve Project Grant funds from the Virginia Department of Social Services for fiscal year 2004, in the amount of \$207,000.00; and appropriation of funds in connection therewith.

Adopted Budget Ordinance No. 36456-081803 and Resolution No. 36457-081803. (7-0)
File #60-72

2. Transfer of \$260,000.00 in connection with completion of Phase I of the Roanoke Civic Center Expansion and Renovation Project.

(Withdrawn by the City Manager)

3. **Briefing on Regional Kiosk.**
File #547

b. DIRECTOR OF FINANCE:

1. Financial report for the month of June 2003.

Received and filed.
File #1-10

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board for appropriation and transfer of funds to various accounts; and a report of the Director of Finance recommending that Council concur in the request.

Adopted Budget Ordinance No. 36458-081803. (7-0)
File #60-467

8. UNFINISHED BUSINESS:

- a. A communication from the City Manager with regard to the Derelict Structures Fund grant. (Deferred from the July 21, 2003 meeting of Council.)

Adopted Resolution No. 36459-081803. (7-0)
File #165-176

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. A RESOLUTION providing that the 9:00 a.m. work session of the Council on the first Monday will convene in the Emergency Operations Center Conference Room instead of the City Council Chamber.

Adopted Resolution No. 36460-081803. (7-0)
File #132

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member Fitzpatrick advised that he has requested the City Manager to compile information with regard to creating a trolley system for the City of Roanoke, which would operate between the Virginia Museum of Transportation, the City Market and Crystal Spring, and reinstituting the incline on Mill Mountain. Vice-Mayor Harris concurred in the remarks of Mr. Fitzpatrick and requested that cost information be provided to Council in early 2004 for consideration during fiscal year 2004 budget discussions.
File #60-67-229-316

Council Member Cutler inquired if the City Roanoke is prepared to respond to a potential blackout, such as that which occurred recently in New York.
File #188

Council Member Cutler commended staff of the City's Communications Department and the Parks and Recreation Department with regard to the Quarterly Guide to Parks and Recreation Programs in the City of Roanoke. He advised that the Urban Forestry Plan is available for distribution.

File #67-80-240-262

The Mayor expressed appreciation to Woodmen of the World for donating a flag to be flown near Fitzpatrick Hall at the Jefferson Center, and advised that a dedication ceremony will be held on September 11, 2003.

File #68-80-337

- b. **Vacancies on certain authorities, boards, commissions and committees appointed by Council.**

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Jim Fields, 17 Ridge Crest Drive, Hardy, Virginia, spoke in support of renovating Victory Stadium, and inquired as to why an American flag is not flown at Victory Stadium. He stated that the majority of voters in the City of Roanoke would like to cast their ballot through a public referendum on the question of renovating Victory Stadium, or constructing a new facility; therefore, he requested that Council reconsider its previous decision to construct a new stadium/amphitheater at the Orange Avenue site.

File #122

Ms. Pat Lawson, 1618 Riverside Terrace, S. E., spoke in support of saving Victory Stadium. She announced that she will campaign for the office of Mayor of the City of Roanoke in 2004.

File #122

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., requested a clarification from the City Attorney and/or the City Manager with regard to whether Council Member Dowe has a conflict of interest in voting on the Derelict Structures Fund grant.

File #132-178-236

Mr. Chris Craft, 1501 East Gate Avenue, N. E., requested that Council review the new traffic pattern on Williamson Road relative to installation of a median and turning lanes, which have created a traffic hazard.

File #66-514

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke in response to a remark made earlier in the meeting by a previous speaker in regard to the Derelict Structures Fund grant. She clarified that the Gainsboro community is not a derelict neighborhood and the neighborhood is in the process of a rebirth. She advised that the Victory Stadium issue is still alive because the Council has not voted to hold a public referendum to enable the citizens of Roanoke to vote on the fate of Victory Stadium.

File #122-178-236

12. CITY MANAGER COMMENTS: NONE.

CERTIFICATION OF CLOSED SESSION. (5-0, Vice-Mayor Harris and Council Member Dowe were absent.)

Appointed Chaun Dooley as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2006.
File #15-110-316

Appointed Michael W. Conner as a member of the Towing Advisory Board, for a term ending June 30, 2006.
(City residency requirement was waived.)
File #15-110-530

THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***AUGUST 18, 2003
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (All Present - Council Member Wyatt arrived late.)

The Invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Thursday, August 21, 2003, at 7:00 p.m., and Saturday, August 23, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Request of Akzo Nobel Coatings, Inc., that a portion of Roanoke Avenue, S. W., adjacent to Burks Street, be permanently closed by barricade. Samuel N. Winkler, Spokesperson.

Adopted Ordinance No. 36461-081803. (6-0)
File #514

2. Request of Roanoke Country Club, Inc., and the Scott Robertson Memorial Fund, a Virginia Non-Stock Corporation, that a 15-foot right-of-way, extending in a northeasterly direction from the northerly boundary of Densmore Road, N. W., be permanently vacated, discontinued and closed. Alton B. Prillaman, Attorney.

Adopted Ordinance No. 36462-081803. (6-0, Council Member Dowe abstained from voting.)
File #514

- 3.(a) Proposed amendments to the Zoning Ordinance to better define and differentiate between certain interrelated land use activities that involve towing services, wrecker services, new and used motor vehicle sales and service and a new and used commercial motor vehicle sales and service. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 36463-081803. (7-0)
File #24-51-530

- (b) A communication from the City Manager recommending adoption of an ordinance amending Section 20-71 of the City Code pertaining to the regulation of on-street or alley parking of commercial motor vehicles in residential districts.

Adopted Ordinance No. 36464-081803. (7-0)
File #20-24-514

4. Amendment of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, Section 36.1-693, Notice of hearing, by deleting the requirement of erecting signs when a proposed amendment affects more than twenty-five parcels. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 36465-081803. (7-0)
File #24-51-107

B. OTHER BUSINESS:

- 1.(a) Petition for appeal of a decision of the Architectural Review Board for a Certificate of Appropriateness, filed by Dana A. Walker, General Manager, H & W Properties, LLC, with regard to property located at 702 Marshall Avenue, S. W. Dana A. Walker, Spokesperson.

Based upon evidence, testimony and documents, Council voted to affirm the decision of the City of Roanoke Architectural Review Board on July 10, 2003, that no Certificate of Appropriateness be issued for the installation of siding, corner boards, and window facings at 702 Marshall Avenue, S. W., as set forth in the Petition of Appeal, on the grounds that the proposed installation would not maintain the architectural defining features of the building.

File #249

- (b) Recommendation of the Architectural Review Board that Council affirm its decision to deny issuance of a Certificate of Appropriateness in connection with the above referenced property. Robert N. Richert, Chair, Architectural Review Board.

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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Mr. Chris Craft, 1501 East Gate Avenue, N. E., referred to overgrown weeds at the corner of East Gate Avenue and 13th Street, N. E., which is creating a traffic hazard; the need for guard rails along the steep portion of Tinker Creek; and underground gas tanks at the former Getty convenience store near the Roanoke Center for Industry and Technology. File #95-207-472-514

Mr. Robert Gravley, 3360 Hershberger Road, N. W., expressed concern with regard to the City's aging infrastructure, the need for creation of more jobs leading to home ownership for citizens, and sufficient wages for City of Roanoke employees.

File #66-178-184

THE COUNCIL MEETING WILL STAND IN RECESS UNTIL FRIDAY, AUGUST 22, 2003, AT 9:30 A.M., AT THE ROANOKE VALLEY RESOURCE AUTHORITY COMMUNITY ROOM, 1020 HOLLINS ROAD, N. E., FOR A JOINT MEETING OF ROANOKE CITY COUNCIL AND THE ROANOKE COUNTY BOARD OF SUPERVISORS, FOR AN UPDATE ON THE PROPOSED REGIONAL WATER AND SEWER AUTHORITY.